

ASSEMBLY BILL

No. 2224

Introduced by Assembly Member Ruskin

February 18, 2010

An act to amend Section 25288 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2224, as introduced, Ruskin. Hazardous substances: underground storage tanks.

Existing law generally requires a local agency, as defined, to inspect every underground tank system, as defined, that is used for the storage of hazardous substances, at least once every year. After conducting the inspection, the local agency is required to prepare a compliance report detailing the inspection and to send a copy of the report to the permitholder and the owner or operator. Existing law authorizes the local agency, instead of performing the inspection itself, to require the permitholder to employ a special inspector to conduct the annual inspection. Within 60 days of receiving a compliance report or special inspection report, the permitholder is required to file with the local agency a plan to implement all recommendations contained in the compliance report or to demonstrate why those recommendations should not be implemented.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25288 of the Health and Safety Code is amended to read:

25288. (a) The local agency shall inspect every underground tank system within its jurisdiction at least once every year. The purpose of the inspection is to determine whether the tank system complies with the applicable requirements of this chapter and the regulations adopted by the board pursuant to Section 25299.3, including the design and construction standards of Section 25290.1, 25290.2, 25291, or 25292, ~~whichever is applicable~~ *applies*, whether the owner or operator has monitored and tested the tank system as required by the permit, and whether the tank system is in a safe operating condition.

(b) After an inspection conducted pursuant to subdivision (a), the local agency shall prepare a compliance report detailing the inspection and shall send a copy of this report to the permitholder and the owner or operator, if the owner or operator is not the permitholder. ~~Any~~ A report prepared pursuant to this section shall be consolidated into any other inspection reports required pursuant to Chapter 6.11 (commencing with Section 25404), the requirements listed in subdivision (c) of Section 25404, and the regulations adopted to implement the requirements listed in subdivision (c) of Section 25404.

(c) In lieu of the annual local agency inspections, the local agency may require the permitholder to employ a special inspector to conduct the annual inspection. The local agency shall supply the permitholder with a list of at least three special inspectors that are qualified to conduct the inspection. The permitholder shall employ a special inspector from the list provided by the local agency. The special inspector's authority shall be the same as that of the local agency as set forth in subdivision (a).

(d) Within 60 days after receiving a compliance report or special inspection report prepared in accordance with subdivision (b) or (c), respectively, the permitholder shall file with the local agency a plan to implement all recommendations contained in the compliance report or shall demonstrate, to the satisfaction of the local agency, why these recommendations should not be implemented. Any corrective action conducted pursuant to the

- 1 recommendations in the report shall be taken pursuant to Sections
- 2 25296.10 and 25299.36.

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